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Attorneys for Defendant

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

_____	x
	:
CHURCH & DWIGHT CO., INC.,	: Honorable Garrett E. Brown, Jr., U.S.D.J.
	:
Plaintiff,	: Civil Action No. 05 CV 2142 (GEB)
	:
v.	:
	:
	:
ABBOTT LABORATORIES,	: <b>DEFENDANT ABBOTT LABORATORIES'</b>
	: <b>PROPOSED VOIR DIRE QUESTIONS</b>
	:
Defendant.	:
	:
_____	x

Pursuant to section 15.A.4. of the Revised Final Pretrial Order, Defendant Abbott Laboratories (“Abbott”) submits the following proposed jury voir dire questions and requests that they be incorporated into a questionnaire to be submitted to the jury.

**Background**

1. What is your name and age?
2. Who do you work for?
  - a. Describe your job.
  - b. How long have you worked there?
3. What is your educational background?
  - a. What degree(s) do you hold?
  - b. Have you had any training in medicine, chemistry or biology?
  - c. Have you had any training or experience in the law?
4. What does your spouse/significant other do for a living?
5. Have you, any member of your family or any friends ever purchased or used a home-use pregnancy test kit or ovulation test kit?
  - a. If so, who and when?
  - b. If so, what product(s)?
  - c. Were you, or the purchaser or user of the product, generally satisfied or unsatisfied with the product(s)?

**Medical Diagnostics/Pharmaceutical Industry**

6. Have you, any member of your family, or any friends ever held a job that involved work with the medical diagnostics industry, pregnancy testing kits, or the pharmaceutical industry?
7. Do you have any strong feelings or opinions about the medical diagnostics industry, pregnancy testing kits or the pharmaceutical industry?
8. Are you familiar with any companies that manufacture or develop diagnostics tests, including pregnancy testing kits, or pharmaceutical products?
9. In this case, there will be some fairly technical testimony about the design and functioning of medical diagnostics products including immunoassays. It is common in trials that jurors are presented with scientific, medical or technical matters with which they have no previous experience. Our judicial system relies on the common sense of jurors to consider and evaluate this type of testimony. Do you believe that you might not

be able to consider and weigh the technical testimony which will be presented in this case?

**Residency**

10. How long have you resided in New Jersey?
11. The Defendant, Abbott, has its headquarters in North Chicago, Illinois, while the Plaintiff, Church & Dwight, has its headquarters in Princeton, New Jersey. Given these facts, can you be fair and impartial to both parties and decide the case solely on the evidence at trial and the law given to you by the Court?

**Parties and Witnesses**

12. Have you ever heard of any of the following law firms: Winston & Strawn or Proskauer Rose.
  - a. If so, explain how.
  - b. Do you know anyone who works at any of the above law firms?
  - c. What were the circumstances in which you came into contact with any of the above law firms?
13. Have you ever heard of or do you know any of the attorneys who are involved in the case, including the following attorneys:

James Richter  
George Lombardi  
Raymond Perkins  
Stephanie McCallum  
Kevin Warner  
Janelle Carter  
Judson Hand  
Richard Goldstein  
James Shalek  
Baldassare Vinti  
John Stellabotte  
Steven Holinstat  
Ron Wood

14. Have you ever heard of any of the following persons who may be called to testify in this case:

Regina Anderson  
Carmen Bergelin  
Gregory Bell  
Isabelle Blundell

Harry Boghigian  
Mary-Beth Boyle  
David Charlton  
Shanfun Ching  
Kevin Clarke  
Marshall Deutsch  
William John DeVore  
James Donohue  
Leonard Paul Eck  
Gerhard Ertingshausen  
Stacey Feldman  
Henry "Hank" Graham  
Julian Gordon  
Duncan Greenhalgh  
Adam Howell  
David Katz  
Joseph Kraus  
Michael Largen  
Joseph Marks  
Margaret Mazzeo (nee Verbanic)  
Neil Miller  
Dennis Mochnal  
Gerald Mossinghoff  
Albert Nazareth  
Larry Nixon  
Robert Parsons  
Edmund "Ted" Pitcher  
Mohan Rao  
Andrew Schapals  
Robert Schreunder  
Stephen Shear  
Lawrence Stern  
Eric Toone

15. Are you familiar with Church & Dwight Co., Inc.?
- a. If so, what have you heard about Church & Dwight and in what capacity?
  - b. Have you or any member of your family ever worked at Church & Dwight or any affiliate of Church & Dwight?
  - c. Do you know anybody who currently works for Church & Dwight?
    - (i) If so, who?
    - (ii) What do you know about their work?

- d. Have you or any member of your family ever worked for an organization that does significant business with Church & Dwight?
  - e. Have you or any member of your family ever owned any stock in Church & Dwight or any Church & Dwight affiliate?
  - f. Have you or any member of your family ever been in a dispute with Church & Dwight based on a particular product or otherwise?
  - g. Do you, or does any member of your family, have generally negative feelings toward Church & Dwight?
  - h. Do you, or does any member of your family, have generally positive feelings toward Church & Dwight?
16. Are you familiar with Abbott Laboratories?
- a. If so, what have you heard about Abbott and in what capacity?
  - b. Have you or any member of your family ever worked at Abbott?
  - c. Do you know anybody who currently works for Abbott?
    - (i) If so, who?
    - (ii) What do you know about their work?
  - d. Have you or any member of your family ever worked for an organization that does significant business with Abbott?
  - e. Have you or any member of your family ever owned any stock in Abbott or any Abbott affiliate?
  - e. Have you or any member of your family ever been in a dispute with Abbott based on a particular product or otherwise?
  - f. Do you, or does any member of your family, have generally positive feelings toward Abbott?
  - g. Do you, or does any member of your family, have generally negative feelings toward Abbott?
17. Before today, had you heard or read about this case?
- a. If so, how did you hear or read about the case?
  - b. What did you hear or read about the case?

**Government**

18. Have you or any family member ever worked in law enforcement?
19. Have you or any family member ever worked for the government?
20. What is your overall impression of government employees?
21. Do you believe that governmental agencies are over-staffed, understaffed, or appropriately staffed?
22. Do you believe it is possible for government agencies to make mistakes?

**Patent System**

23. Have you, any member of your family, or friend ever filed for a patent?
  - a. Have you, any member of your family, or a friend ever owned a patent?
  - b. Have you, any member of your family, or a friend ever sold an invention?
24. Do you have any knowledge or experience with the U.S. Patent and Trademark Office, patents or trademarks, or know someone who has knowledge or experience with patents or trademarks?
25. Do you have any opinions about the patent system in the United States?
  - a. Do you have any opinions about the persons who work in the Patent Office, examine applications, and allow patents to be issued?
  - b. If so, what are they?
26. Do you have a concern with a system that allows inventors to obtain patents on new or improved products?
  - a. What is your concern about such a system?
  - b. Why do you feel that way?
  - c. Would your opinion on this influence your ability to render a fair decision in this case?
27. Do you have a concern with a system that protects patent holders from competition until the patent expires?
  - a. What is your concern about such a system?
  - b. Why do you feel that way?

- c. Would your opinion on this influence your ability to render a fair decision in this case?
- 28. Do you believe that patents are important to the development of new or improved products?
- 29. Do you believe that companies should have the right to sell a product even if the inventing company's patent has not expired?
  - a. Why do you feel that way?
  - b. Would your opinion on this influence your ability to render a fair decision in this case?
- 30. Do you believe it is common for the United States Patent Office to issue patents by mistake?
  - a. Why do you feel that way?
  - b. Would your opinion on this influence your ability to render a fair decision in this case?
- 31. Do you have any opinion whether it is too difficult or too easy to obtain a United States patent?
  - a. What is your opinion -- too difficult or too easy?
  - b. Why do you feel that way?
  - c. Would your opinion on this influence your ability to render a fair decision in this case?

**Legal System**

- 32. What involvement, if any, have you had with civil or criminal lawsuits?
  - a. What kind of case?
  - b. Did you hire an attorney to represent you in the case?
  - c. Were you the plaintiff, defendant, a witness or other?
  - d. Were you satisfied or dissatisfied with your attorney?
  - e. Were you satisfied or dissatisfied with the legal system?
- 33. Have you ever served as a juror?
  - a. If so, what case?

- b. If a verdict was reached in that case, what was it?
- 34. Have you or your family members ever been sued?
  - a. What was the nature of the lawsuit?
  - b. Was it settled or did it go to trial?
  - c. What was the outcome?
  - d. Did that experience influence your ability to render a fair decision in this case?
- 35. Have you or your family members ever filed a lawsuit?
  - a. What was the nature of the lawsuit?
  - b. Was it settled or did it go to trial?
  - c. What was the outcome?
  - d. Did that experience influence your ability to render a fair decision in this case?
- 36. Have you or your family members ever been a witness in a lawsuit?
  - a. What was the nature of the lawsuit?
  - b. Did that experience influence your ability to render a fair decision in this case?

WINSTON & STRAWN LLP  
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Abbott Laboratories

By: /s/ James S. Richter  
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